

**ROBERT J. ANNESE**

ATTORNEY AT LAW

December 16, 2020

VIA E-MAIL

Jennifer Raitt, Director  
Department of Planning and Community Development  
Town of Arlington  
730 Massachusetts Avenue  
Arlington, MA 02476

RE: 400-402 Massachusetts Avenue

Dear Ms. Raitt:

I am sending along a supplement to the Application for Environmental Review filed in behalf of 400-402 Mass Avenue, LLC, following the ARB Hearing which occurred on December 7, 2020.

During the course of the hearing there was discussion with respect to comments made by Members of the ARB that one of the four (4) residential units proposed by Petitioner be converted to an office unit.

Other comments were made relating to providing a different trash enclosure area as well as moving the interior permanent bicycle storage area which is proposed in a lower level in the building to an upper street level.

Comments were also made with respect to the parking configuration at the site which involves vehicles backing out on to the street with an indication that backing out on to the street was not an approach that was permissible or acceptable.

The architect for the Petitioner, Ken Feyl has drafted modified plans which I am sending to the Board at this time showing five (5) parking spaces instead of six (6) as originally proposed with one (1) of the parking spaces being used for a 6' x 12' covered trash enclosure, an exterior three (3) bicycle rack for short-term bicycle parking as well as an interior permanent bicycle storage area, once again at the lower level as originally proposed by Petitioner.

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I am also submitting a LEED check list with a narrative provided by the Petitioner's architect.

It is important for the Members of the ARB to be aware that the building at 400-402 Massachusetts Avenue has existed for many years and has been occupied by tenants, whether residential or commercial for many years with the occupants of the building of necessity backing out on to the street and using a tandem parking approach in the parking lot at the building.

The building has certainly existed prior to passage of the Amended Zoning Bylaw in 1975 and, in fact, was originally built in 1799.

Petitioner's proposal does not involve exterior changes of any kind to the building with the result that the exterior appearance of the building would not change with regard to Petitioner's proposal.

The building is located on a small lot which contains 4,756 square feet and is unlike many other development properties in the Town where the lots are much larger with the result that modifications to a building could be made on a lot containing much more land area than Petitioner's lot given those owners more land area to work with in redesigning the exterior of a building.

With respect to bicycle parking a current residential tenant carries their bicycle up to the second floor of the building for storage when the bicycle is not in use.

Petitioner's current submittal proposes that the long-term bicycle storage area remain at the lower level because of the difficulty and significant changes which would have to occur within the building to have the bicycle storage area at street level given the size of the lot and the interior configuration of the building.

Carrying a bicycle down to a lower level in the building would certainly be no more difficult and perhaps easier than carrying a bicycle up to the second floor within the building.

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The current plans also show a three (3) bicycle short-term bicycle rack located outside of the building.

The trash enclosure area has been moved from the building into a parking space as mentioned previously so that the trash area is some distance from the building itself.

Petitioner cannot change the parking arrangement at the site with respect to tandem parking and backing out on to the street because of the physical characteristics of the lot and it is important to note that this situation, i.e., tandem parking and backing out on to the street has existed at the property for many years and exists in many areas of East Arlington.

In summary, I would request that the Members of the Board who made comments with regard to not allowing the fourth (4<sup>th</sup>) residential unit, but rather having that unit become an office unit reassess their position in light of the present and future circumstances relating to how employees and employers are conducting their business affairs since the pandemic began, six (6) months or so ago.

Many employees are now working from home because of the pandemic and in many instances those employees will never go back to a physical building with respect to conducting their work activities.

Indeed, an article appeared in the *New York Times* on December 11, 2020 which discusses the fact that even in Manhattan once the pandemic becomes more under control it is likely that many employees will not go back to their former offices to conduct their work activities but will continue to do so offsite through Zoom approaches.

To quote an individual representing a company which controls 26 million square feet of city office space in the *New York Times*' article, "Anyone that thinks the way that people used the workplace in the past isn't going to change post-pandemic is fooling themselves". See New York Times articles dated December 11, 2020)

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Petitioner has obtained a letter from a real estate brokerage firm that specializes in commercial real estate leasing and investment in the Greater Boston and Southern New Hampshire area i.e., Land and Sea Real Estate, Inc. with the Principal of that firm being Demetrius Spaneas.

He indicates within the substance of that letter dated December 14, 2020 in part as follows:

“Commercial real estate, and office in particular, is going through major changes—and reevaluations—at this time. Office as we know has changed. This is due to the advancement of technology and the relationship between management and their workers. The ability to work remotely has become a major factor and incentive to attracting a strong, dynamic, and tech-savvy workforce. The need for traditional office has diminished greatly over the last few years.”

“We have seen the impact that Coronavirus has had on traditional office space. The pandemic has exacerbated the above trend greatly. Offices are averaging less than 20% occupied, and we don't see this trend changing any time soon, even after the pandemic is but a memory. Companies, both large and small, have realized that they no longer need a physical presence. Work forces that have been remote these past months will, in all likelihood, stay remote. It is both cost efficient for the companies, and logistically easier for many workers. Many office buildings are now begin repurposed, mainly for residential.”

This information is being furnished to the Members of the ARB to show why the Pasciuto Family which owns many properties in the Town, and which has and continues to deal with vacancies in commercial units has filed a Special Permit Request to have four (4) residential units rather than three (3) approved so that they do not wind up with another vacant commercial unit.

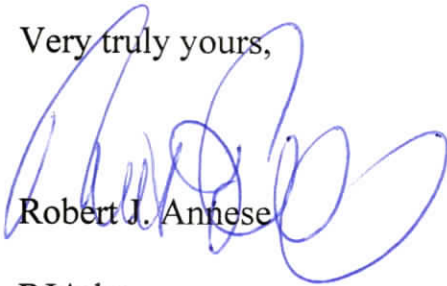
The Pasciuto family is certainly willing to invest money to perform work within the 400-402 Mass Ave building as with their other properties in town but they are not interested in doing so if the space they will be creating will not be economically productive for them given the change in the utilization

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of commercial space which has occurred and will as the above information indicates continue to occur into the future.

Consequently, the Petitioner is requesting that its request for Special Permit be approved, as modified in this supplemental submission.

Very truly yours,



Robert J. Annese

RJA:lm

Enclosures

Stamp:

400 MASS AVE ARLINGTON

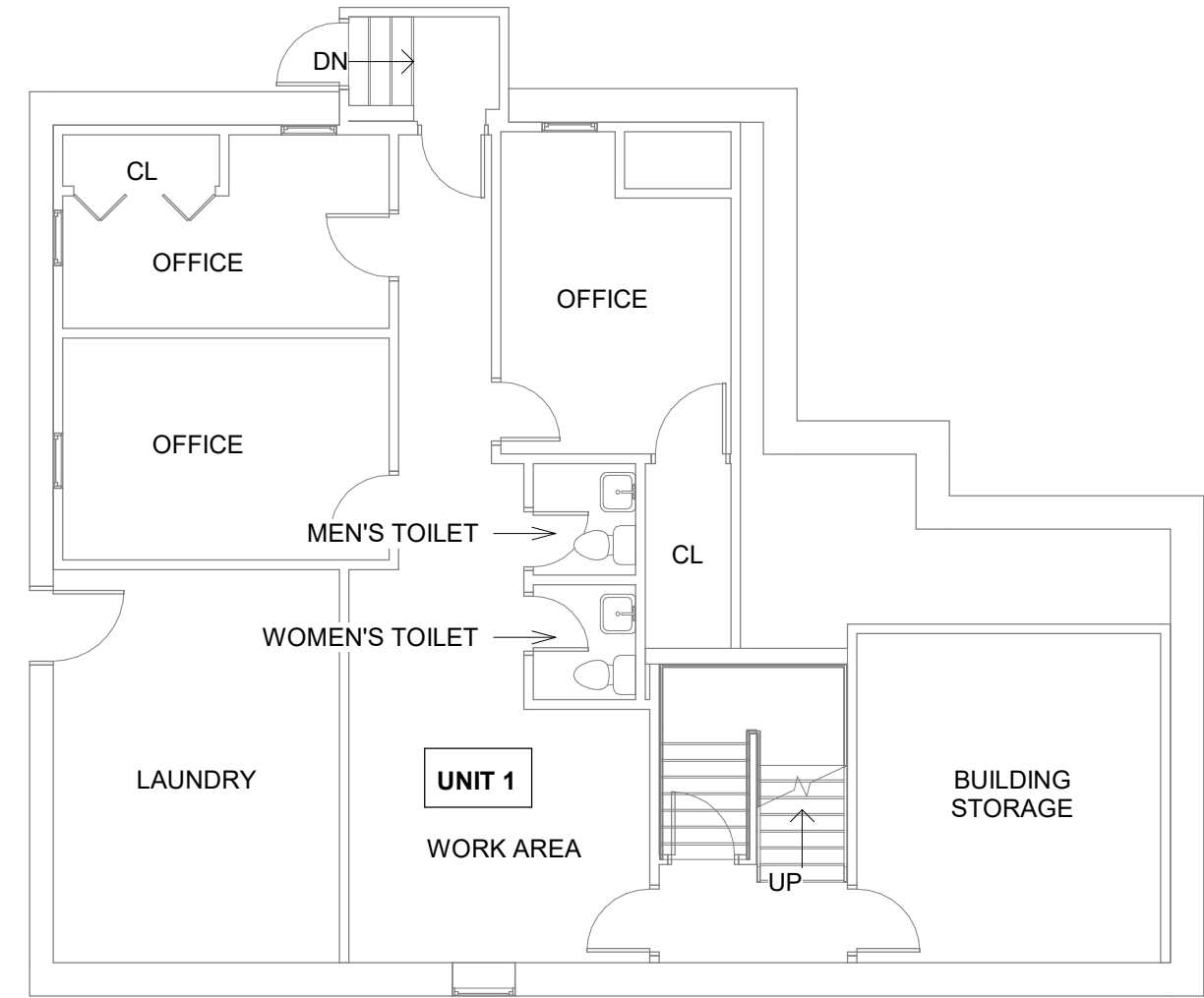
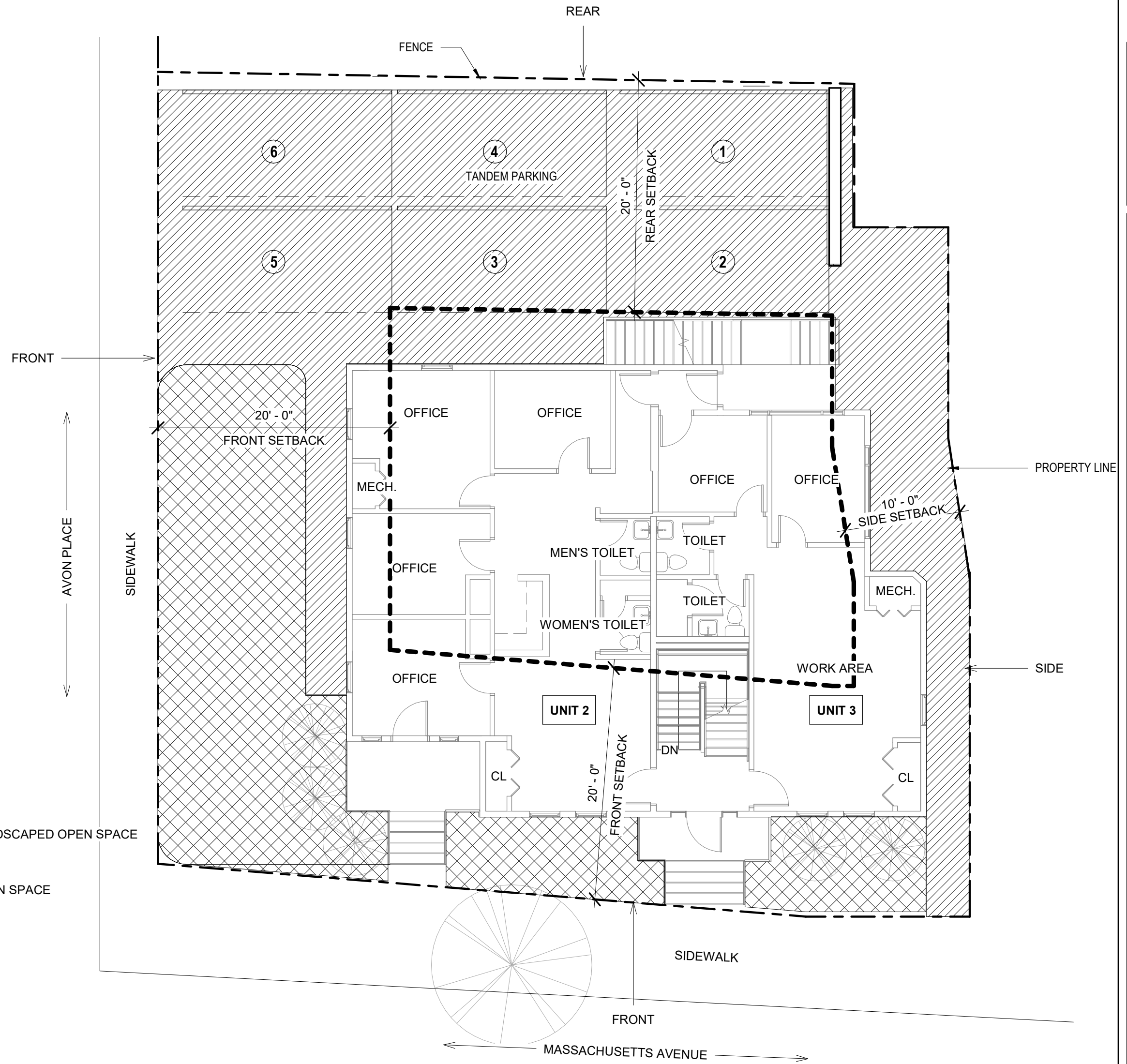
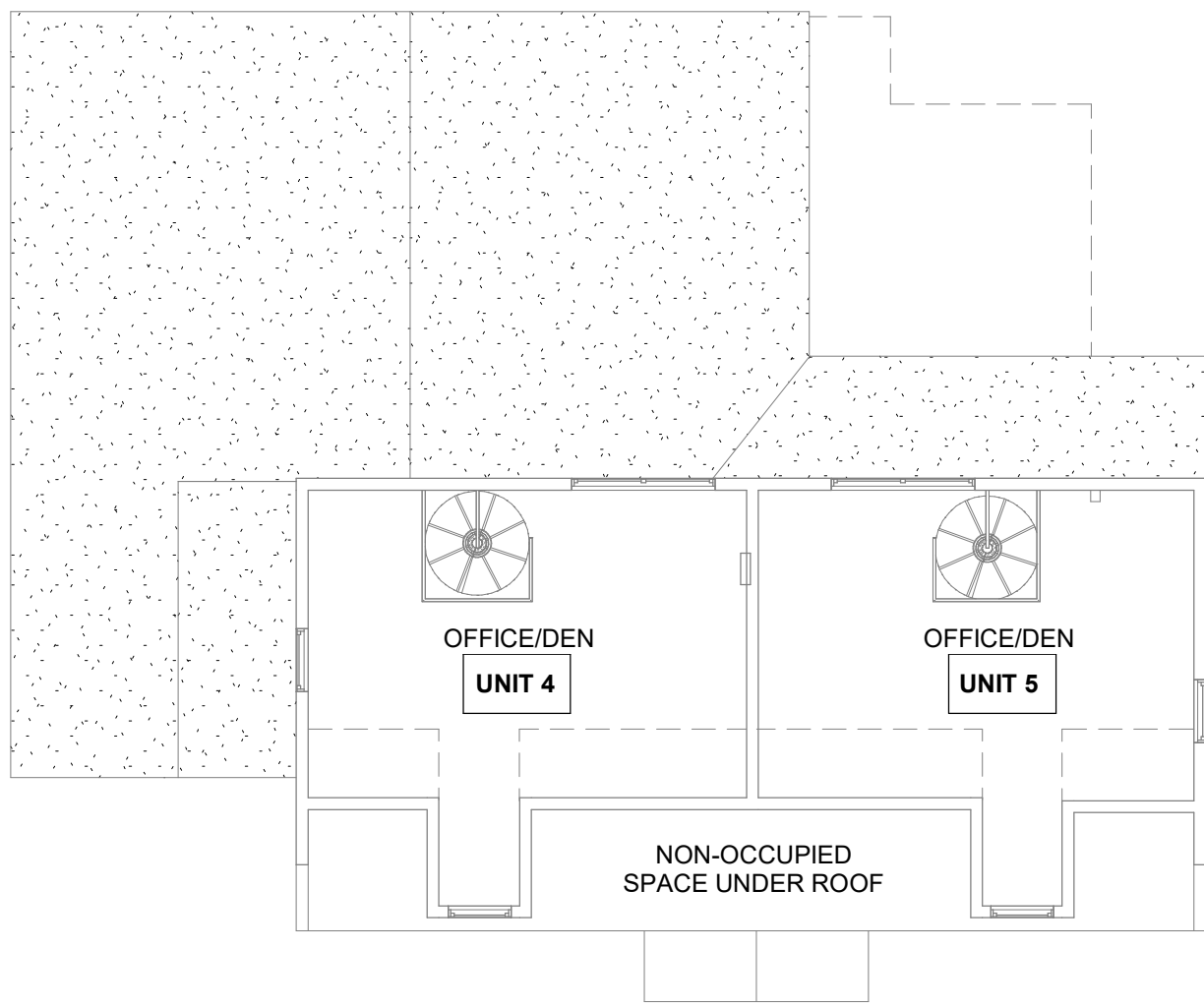
EXISTING FLOOR PLANS

prepared for:  
location: Approver

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Mark	Date
REVISIONS	
Date	12/11/2020
Scale	As indicated
Job No.	2876
Sheet No.	

A100



SUMMARY USE GROUPS			
FLOOR	UNIT	EXISTING	PROPOSED
BASEMENT	UNIT 1	BUSINESS	RESIDENTIAL 1 BEDROOM
1ST FLOOR	UNIT 2	BUSINESS	RESIDENTIAL 2 BEDROOM
1ST FLOOR	UNIT 3	BUSINESS	BUSINESS (NO CHANGE)
2ND FLOOR	UNIT 4	RESIDENTIAL 1 BEDROOM	RESIDENTIAL 1 BEDROOM (NO CHANGE)
2ND FLOOR	UNIT 5	RESIDENTIAL 1 BEDROOM	RESIDENTIAL 1 BEDROOM (NO CHANGE)
		2 BEDROOMS	5 BEDROOMS



Stamp:

400 MASS AVE ARLINGTON

PROPOSED FLOOR PLANS

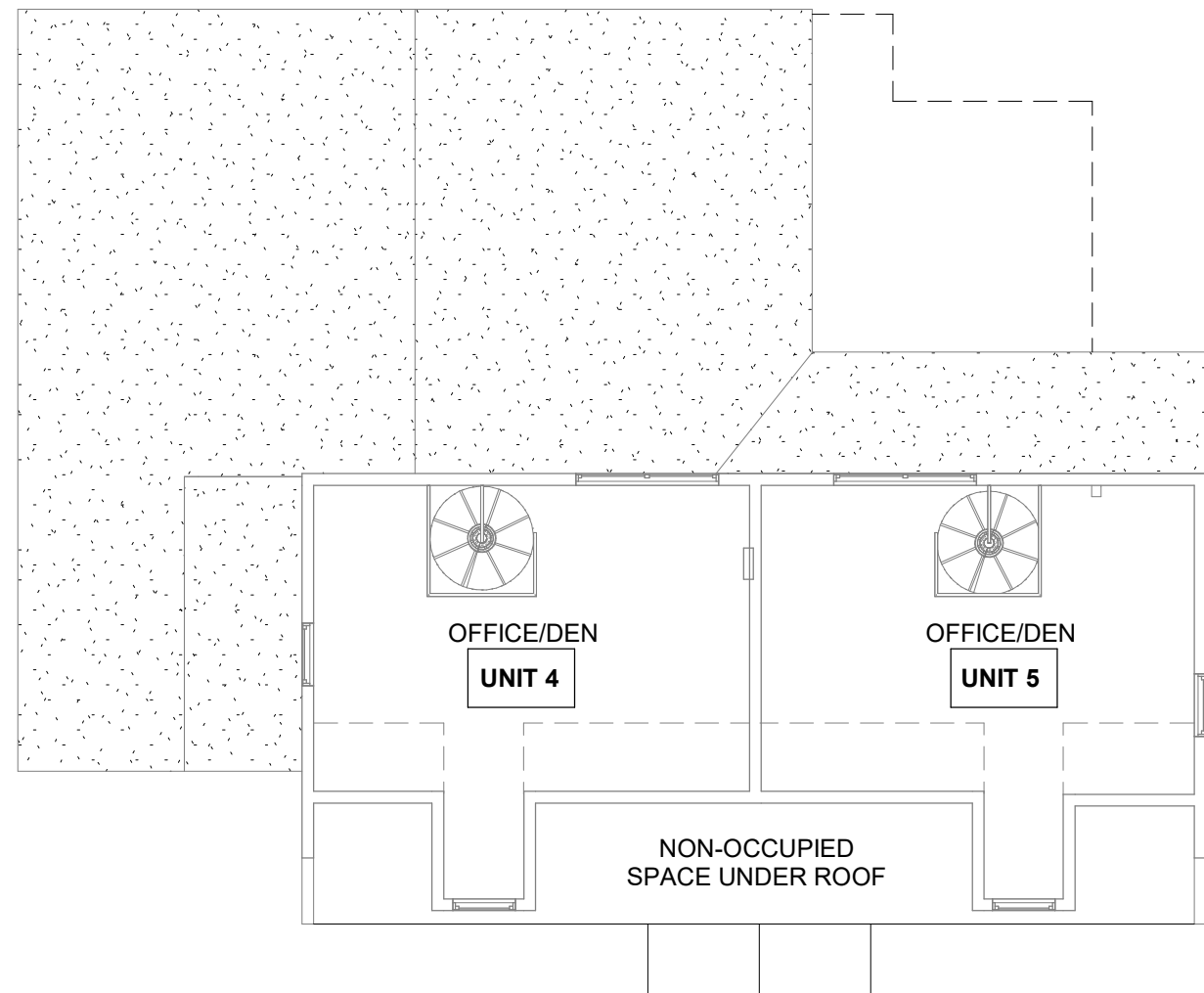
prepared for: location: Approver

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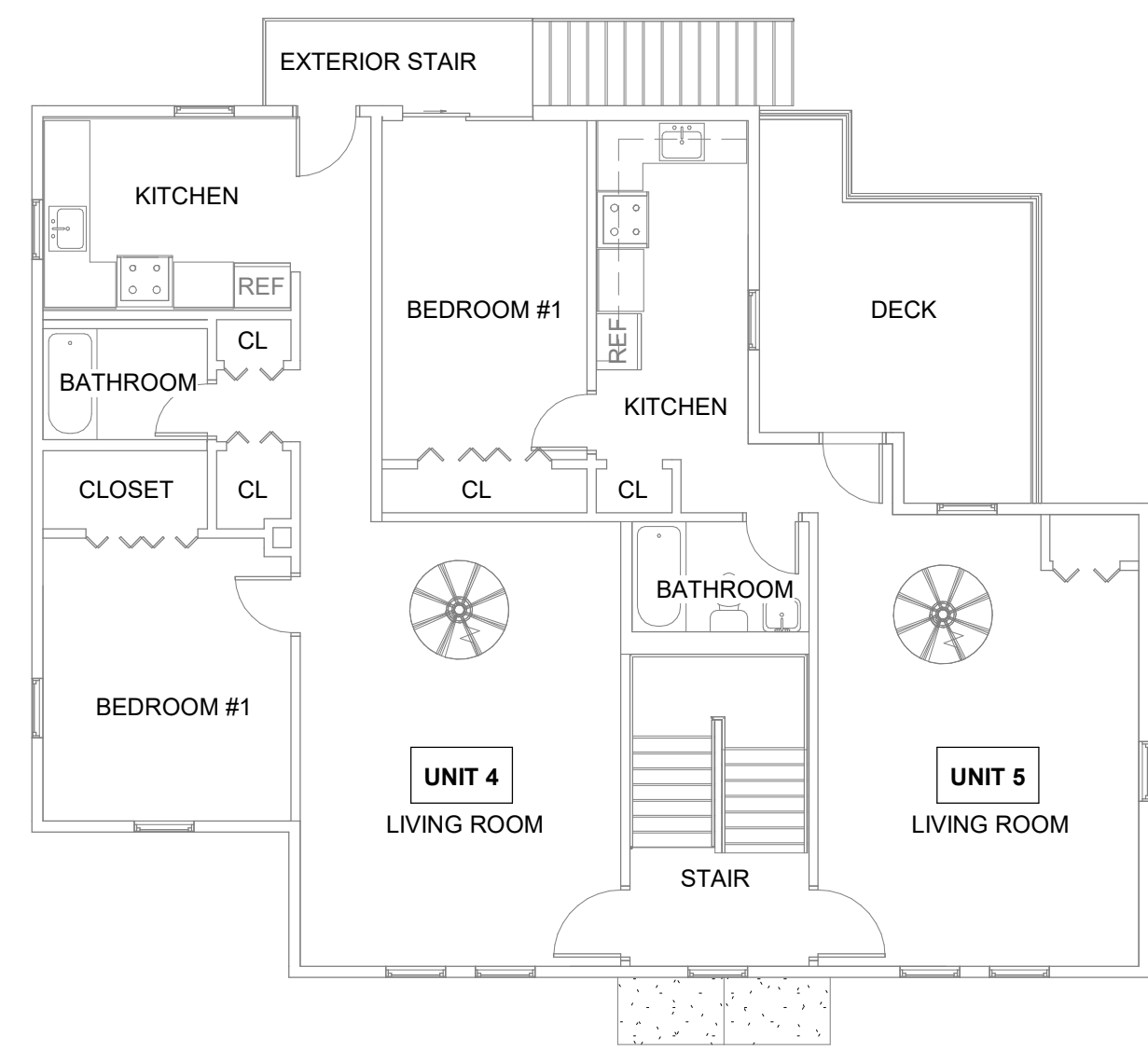
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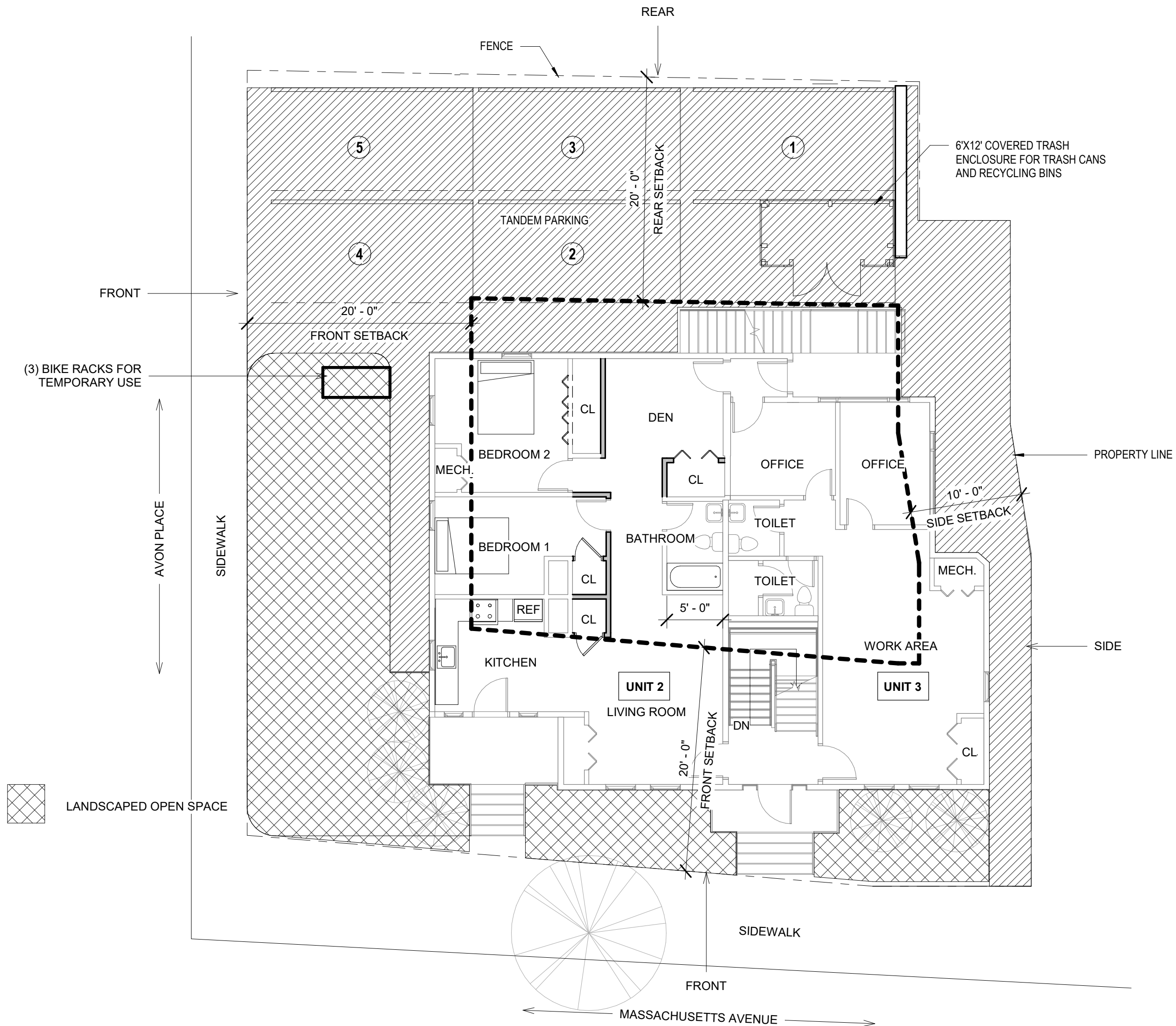
4 THIRD FLOOR PLAN (NO CHANGES)  
1/8" = 1'-0"



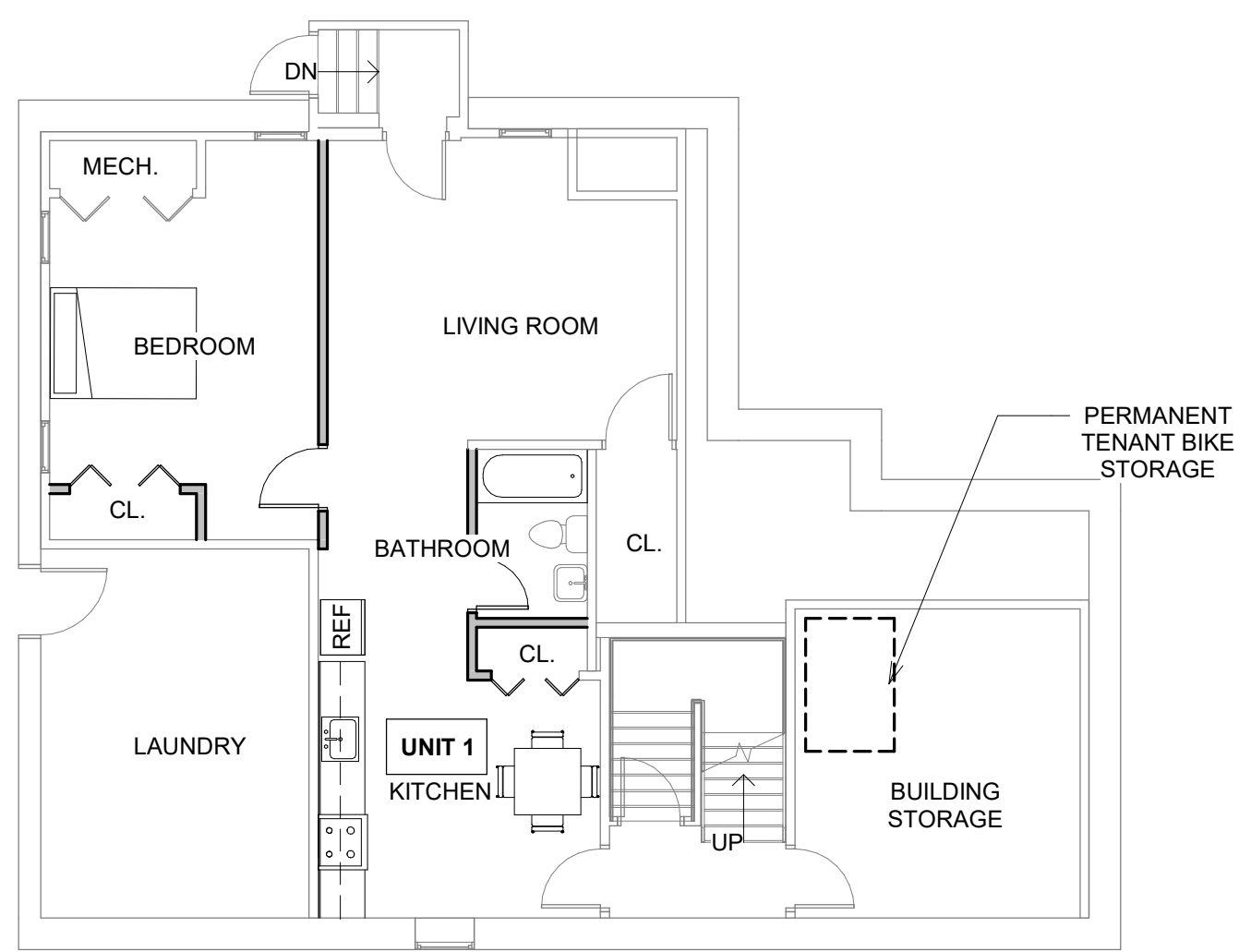
3 SECOND FLOOR PLAN (NO CHANGES)  
1/8" = 1'-0"



2 PROPOSED FIRST FLOOR PLAN + SITE  
W/ZONING INFORMATION  
1/8" = 1'-0"



1 BASEMENT PLAN -PROPOSED  
1/8" = 1'-0"





# LEED v4 for BD+C: Core and Shell

## Project Checklist

Project Name: 400 Mass Ave Apartments - Arlington, MA

Date: 12/11/2020

Y ? N

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Credit	Integrative Process	1
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0	2	0	Location and Transportation		20
			Credit	LEED for Neighborhood Development Location	20
			Credit	Sensitive Land Protection	2
			Credit	High Priority Site	3
			Credit	Surrounding Density and Diverse Uses	6
	1		Credit	Access to Quality Transit	6
	1		Credit	Bicycle Facilities	1
			Credit	Reduced Parking Footprint	1
			Credit	Green Vehicles	1

0	0	0	Sustainable Sites		11
Y			Prereq	Construction Activity Pollution Prevention	Required
			Credit	Site Assessment	1
			Credit	Site Development - Protect or Restore Habitat	2
			Credit	Open Space	1
			Credit	Rainwater Management	3
			Credit	Heat Island Reduction	2
			Credit	Light Pollution Reduction	1
			Credit	Tenant Design and Construction Guidelines	1

0	1	0	Water Efficiency		11
Y			Prereq	Outdoor Water Use Reduction	Required
Y			Prereq	Indoor Water Use Reduction	Required
Y			Prereq	Building-Level Water Metering	Required
			Credit	Outdoor Water Use Reduction	2
	1		Credit	Indoor Water Use Reduction	6
			Credit	Cooling Tower Water Use	2
			Credit	Water Metering	1

0	0	0	Energy and Atmosphere	33
Y			Prereq Fundamental Commissioning and Verification	Required
Y			Prereq Minimum Energy Performance	Required
Y			Prereq Building-Level Energy Metering	Required
Y			Prereq Fundamental Refrigerant Management	Required
			Credit Enhanced Commissioning	6
			Credit Optimize Energy Performance	18
			Credit Advanced Energy Metering	1
			Credit Demand Response	2
			Credit Renewable Energy Production	3
			Credit Enhanced Refrigerant Management	1
			Credit Green Power and Carbon Offsets	2

0	3	0	Materials and Resources		14
Y			Prereq	Storage and Collection of Recyclables	Required
Y			Prereq	Construction and Demolition Waste Management Planning	Required
			Credit	Building Life-Cycle Impact Reduction	6
	1		Credit	Building Product Disclosure and Optimization - Environmental Product Declarations	2
			Credit	Building Product Disclosure and Optimization - Sourcing of Raw Materials	2
	1		Credit	Building Product Disclosure and Optimization - Material Ingredients	2
	1		Credit	Construction and Demolition Waste Management	2

0	2	0	Indoor Environmental Quality		10
Y			Prereq	Minimum Indoor Air Quality Performance	Required
Y			Prereq	Environmental Tobacco Smoke Control	Required
	1		Credit	Enhanced Indoor Air Quality Strategies	2
	1		Credit	Low-Emitting Materials	3
			Credit	Construction Indoor Air Quality Management Plan	1
			Credit	Daylight	3
			Credit	Quality Views	1

0	0	0	Innovation	6	
			Credit	Innovation	5
			Credit	LEED Accredited Professional	1

0	0	0	Regional Priority		4
			Credit	Regional Priority: Specific Credit	1
			Credit	Regional Priority: Specific Credit	1
			Credit	Regional Priority: Specific Credit	1
			Credit	Regional Priority: Specific Credit	1

0	8	0	TOTALS	Possible Points: 110
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Certified: 40 to 49 points, Silver: 50 to 59 points, Gold: 60 to 79 points, Platinum: 80 to 110





## **400 MASS AVE – LEED CONSIDERATIONS**

The improvements at 400-402 Massachusetts Avenue will look to incorporate the items below per 'LEED\_v4.1\_Residential\_BD\_C\_Multifamily\_Homes' to support the sustainable building practices goal in Arlington, MA.

### **LOW EMITTING MATERIALS**

These materials are to be integrated to reduce concentrations of chemical contaminants that can damage air quality, human health, productivity, and the environment. Some of these building materials are as follows:

#### **-Paints and Coatings**

At least 75% of all paints and coatings, by volume or surface area, are to meet the VOC emissions evaluation AND 100% meet the VOC content evaluation.

#### **-Adhesives and Sealants**

At least 75% of all adhesives and sealants, by volume or surface area, are to meet the VOC emissions evaluation AND 100% meet the VOC content evaluation

#### **-Flooring**

At least 90% of all flooring materials (carpet, ceramic, vinyl, rubber, engineered, solid wood, laminates), by cost or surface area, is to meet the VOC emissions evaluation OR inherently non emitting sources criteria, OR salvaged and reused materials criteria.

### **INDOOR AIR QUALITY**

The LEED objective is to establish better quality indoor air in the building after construction and during occupancy. Before each dwelling unit is occupied, air cleaning, a flush-out with a recirculating HEPA Air Filtration Device, and air testing in the unit to Demonstrate that 10 micron particles do not exceed 8 µg/m<sup>3</sup> should be performed.

### **ACCESS TO QUALITY TRANSIT**

Functional entry is located within ¼ mile walking distance to existing bus stop.

### **ENVIRONMENTALLY PREFERABLE PRODUCTS**

At least 70% of each new compliant building component (floor covering, insulation, framing/structural systems, drywall, doors cabinets, countertops and/or interior trim), by weight or volume, will aim meet one of the requirements below:

The product contains at least 25% reclaimed material, including salvaged, refurbished, or reused materials. For renovation projects, existing components are considered reclaimed. Wood by-products can be counted as reclaimed material. These include items from secondary manufacturers; felled, diseased, or dead trees from urban or suburban areas; orchard trees that are unproductive and cut for replacement; and wood recovered from landfills or water bodies.

The product contains at least 25% postconsumer or 50% pre consumer content.



# LAGRASSE YANOWITZ & FEYL

ARCHITECTURE + LAND PLANNING + CONSTRUCTION MANAGEMENT

Wood products must be Forest Stewardship Council (FSC) Certified, or USGBC-approved equivalent.

Bio-based materials. Bio-based products must meet the Sustainable Agriculture Network's Sustainable Agriculture Standard. Bio-based raw materials must be tested using ASTM Test Method D6866 and be legally harvested, as defined by the exporting and receiving country. Exclude hide products, such as leather and other animal skin material.

Concrete that consists of at least 30% fly ash or slag used as a cement substitute.

Extended producer responsibility. Products purchased from a manufacturer (producer) that participates in an extended producer responsibility program or is directly responsible for extended producer responsibility.

## **WATER USE REDUCTION**

The project will seek to reduce aggregate water consumption by 20% from the baseline for each new fixture (toilets, showerheads, dishwashers, etc.)

## **MINIMUM ENERGY PERFORMANCE**

For new dwelling units, heating and cooling systems will look to meet the following equipment selection sizing guidelines, or next nominal size:

Cooling Equipment:

Single-Speed Compressor: 90-130% of total heat gain

Two-Speed Compressor: 90-140% of total heat gain

Variable-Speed Compressor: 90-160% of total heat gain

Heating Equipment:

100-140% of total heat loss AND energy performance compliance.

In California, countless redwoods, giant sequoias and Joshua trees have perished in wildfires this year. The blackened wreckage sends a clear message: These trees are in the fight of their lives.



## They Are Among the World's Oldest Living Things. The Climate Crisis Is Killing Them.

By JOHN BRANCH | Photographs by MAX WHITTAKER | Page A21

## Left Is Pushing Biden to Slash Student Debts

This article is by Erica L. Green, like Broadwater and Stacy Cowley.

WASHINGTON — President-elect Joseph R. Biden Jr. is facing pressure from congressional Democrats to cancel student loan debt on a vast scale, quickly and by executive action, a campaign that will be one of the first tests of his relationship with the liberal wing of his party.

Mr. Biden has endorsed canceling \$10,000 in federal student debt per borrower through legislation, and insisted that chipping away at the \$1.7 trillion in loan debt held by more than 43 million borrowers is integral to his economic plan. But Democratic leaders, backed by the party's left flank, are pressing for up to \$50,000 of debt relief per borrower, executed on Day 1 of his presidency.

More than 200 organizations — including the American Federation of Teachers, the N.A.A.C.P. and others that were integral to his campaign — have joined the push.

The Education Department is effectively the country's largest consumer bank and the primary lender, since 2010, for higher education. It owns student loans totaling \$1.4 trillion, so forgiveness of some of that debt would be a rapid injection of cash into the pockets of many people suffering from the economic effects of the pandemic.

"There are a lot of people who came out to vote in this election who frankly did it as their last shot at seeing whether the government can really work for them," said Representative Pramila Jayapal, Democrat of Washington and the chairwoman of the Congressional Progressive Caucus. "If we don't deliver quick relief, it's going to be very difficult to get

Continued on Page A19

## Two More Biden Picks

The president-elect chose Su-

## Record U.S. Deaths Create a Wave of Devastation

This article is by Sarah Mervosh, Giulio McDonnell Nieto del Rio and Neil MacFarquhar.

DALLAS — Lillian Blancas was a fighter, a proud daughter of immigrants, part of the first generation in her family to attend college and a lawyer in El Paso who was on the brink of fulfilling her dream of becoming a judge.

Instead, Ms. Blancas, 47, died alone in her hospital room this week, just before a runoff election on Saturday in which she was the favorite, becoming part of a grim cascade of Americans who have died from the coronavirus as it rages out of control. More than 3,000 deaths were reported on Wednesday for the first time since the pandemic began.

"We're completely devastated. Heartbroken. We can't find a reason," said her sister, Gabriela Te-

## Daily Toll Tops 3,000, but Experts Warn Worst Is to Come

mann, who recalled staring through the glass doors of Ms. Blancas's hospital room, wishing that she could stroke her hair one last time.

The new daily death record — 3,055 individuals who blew out birthday candles, made mistakes, laughed and cried before succumbing to the virus — far surpassed the spring peak of 2,752 deaths on April 15 and amounted to a stunning embodiment of the pandemic's toll. In a single day, the country, numbed and divided, lost more Americans to the coronavirus than were killed in the Sept. 11

terror attacks or the attack on Pearl Harbor.

Catherine Troisi, an infectious-disease epidemiologist at the UTHealth School of Public Health in Houston, said she had cried watching the faces of coronavirus victims on "PBS NewsHour" and expected the death toll to accelerate, in part because current numbers likely do not reflect infections from Thanksgiving gatherings.

"The worst is yet to come in the next week or two or three," she said. "What happens after that is going to depend on our behavior today."

The most recent deaths come as the country is recording more new cases and hospitalizations than ever before. More than 290,000 people have died in the United States during the pandemic.

With a current average of more than 2,200 deaths per day, Continued on Page A8



ADAM ALTMAN/AGENCE FRANCE PRESSE — GETTY IMAGES

## PFIZER'S VACCINE CLEARS A BIG STEP TOWARD APPROVAL

F.D.A. Authorization Is Expected Soon,  
as Caseloads Continue to Soar

This article is by Katie Thomas, Noah Welland and Sharon LaFraniere.

Pfizer's Covid-19 vaccine passed a critical milestone on Thursday when a panel of experts formally recommended that the Food and Drug Administration authorize the vaccine. The agency is likely to do so within days, giving health care workers and nursing home residents first priority to begin receiving the first shots early next week.

The F.D.A.'s vaccine advisory panel, composed of independent scientific experts, infectious disease doctors and statisticians, voted 17 to 4, with one member abstaining, in favor of emergency authorization for people 16 and older. With rare exceptions, the F.D.A. follows the advice of its advisory panels.

With this formal blessing, the nation may finally begin to slow the spread of the virus just as infections and deaths surge, reaching a record of more than 3,000 daily deaths on Wednesday. The F.D.A. is expected to grant an emergency use authorization on Saturday, according to people familiar with the agency's planning, though they cautioned that last-minute legal or bureaucratic re-

quirements could push the announcement to Sunday or later.

The initial shipment of 6.4 million doses will leave warehouses within 24 hours of being cleared by the F.D.A., according to federal officials. About half of those doses will be sent across the country, and the other half will be reserved for the initial recipients to receive their second dose about three weeks later.

The arrival of the first vaccines is the beginning of a complex, monthlong distribution plan coordinated by federal and local health authorities, as well as large hospitals and pharmacy chains, that if successful, will help return a grieving and economically depressed country back to some semblance of normal, maybe by summer.

"With the high efficacy and good safety profile shown for our vaccine, and the pandemic essentially out of control, vaccine introduction is an urgent need," Kathrin Jansen, a senior vice president and the head of vaccine research and development at Pfizer, said at the meeting.

The vote caps a whirlwind year for Pfizer and its German partner for Pfizer and its German partner Continued on Page A8

## As Oil Demand Declines, Exxon Is at Crossroads

By CLIFFORD KRAUSS

HOUSTON — Over the last 135 years, Exxon Mobil has survived hostile governments, ill-fated investments and the catastrophic Exxon Valdez oil spill. Through it all, the oil company made bundles of money.

But suddenly Exxon is slipping badly, its long latent vulnerabilities exposed by the coronavirus pandemic and technological shifts that promise to transform the energy world because of growing concerns about climate change.

The company, for decades one of the most profitable and valuable American businesses, lost \$2.4 billion in the first nine months of the year, and its share price is down about 35 percent this year. In August, Exxon was tossed out of the Dow Jones industrial average, replaced by Salesforce, a software company. The change symbolized the passing of the baton from Big Oil to an increasingly dominant technology industry.

"Is Exxon a survivor?" asked Jennifer Rowland, an energy analyst at Edward Jones. "Of course they are, with great global assets, great people, great technical know-how. But the question really is, can they thrive? There is a lot of skepticism about that right now."

Exxon is under growing pressure from investors. D.E. Shaw, a longtime shareholder that recently increased its stake in Exxon, is demanding that the company cut costs and improve its environmental record, according to a person briefed on the matter. Another activist investor, Engine No. 1, is pushing for similar changes in an effort backed by the California State Teachers Retirement System and the Church of England. And on Wednesday, the New York State comptroller, Thomas P. DiNapoli, said the state's \$226 billion pension fund would sell shares in oil and gas companies that did not move fast enough to reduce emissions.

Of course, every oil company is struggling with the collapse in en-



A shuttered business in Midtown, where offices lay vacant.

## Hard Questions For a Midtown Left Withering

By MATTHEW HAAG  
and DANA RUBINSTEIN

The pandemic is pummeling New York City's commercial real estate industry, one of its main economic engines, threatening the future of the nation's largest business districts as well as the city's finances.

The damage caused by the emptying of office towers and the permanent closure of many stores is far more significant than many experts had predicted early in the crisis.

The powerful real estate industry is so concerned that the shifts in workplace culture caused by the outbreak will become long-lasting that it is promoting a striking proposal: to turn more than one million square feet of Manhattan office space into housing.

Nearly 14 percent of office space in Midtown Manhattan is vacant, the highest rate since 2009. On Madison Avenue in Midtown, one of the most affluent retail stretches in the country, more than a third of all storefronts are empty, double the rate from five years ago.

The collapse of commercial real estate is another major burden for New York, since the industry provides a significant portion of the city's tax revenues.

Filings to erect new buildings in the city, a key indicator of industry

## Tracking an Outbreak New York City

## A DISTRICT TRANSFORMED

## A Midtown Left Reeling Considers Converting Offices Into Apartments

From Page A1

confidence, have dropped 22 percent this year to 1,187, the lowest number since 2010.

As of late October, only 10 percent of Manhattan's one million office workers were reporting to the office, according to a survey by the Partnership for New York City, an influential business group.

And this already bleak picture could even get worse, real estate experts and industry executives said.

"It would probably be fair to say we haven't hit bottom yet," said James Whelan, president of the Real Estate Board of New York.

It does not appear that the major commercial landlords in the city are facing financial collapse, but the stocks of the ones that are publicly traded are down sharply since March.

The fallout from the crisis can be seen in a rising tide of litigation between landlords and tenants, even at some of New York's most gilded addresses.

At the Shops at Columbus Circle, a luxury mall overlooking Central Park, the developer has accused a group of high-end retailers, including Michael Kors and Hugo Boss, of skipping out on more than \$7 million in rent and fees. On Fifth Avenue, the Italian designer Valentino has sued its landlord to free itself from a lease of nearly \$1.6 million per month.

New York City's finances — money to pick up trash, repair parks and police streets — rely on the health of the industry.

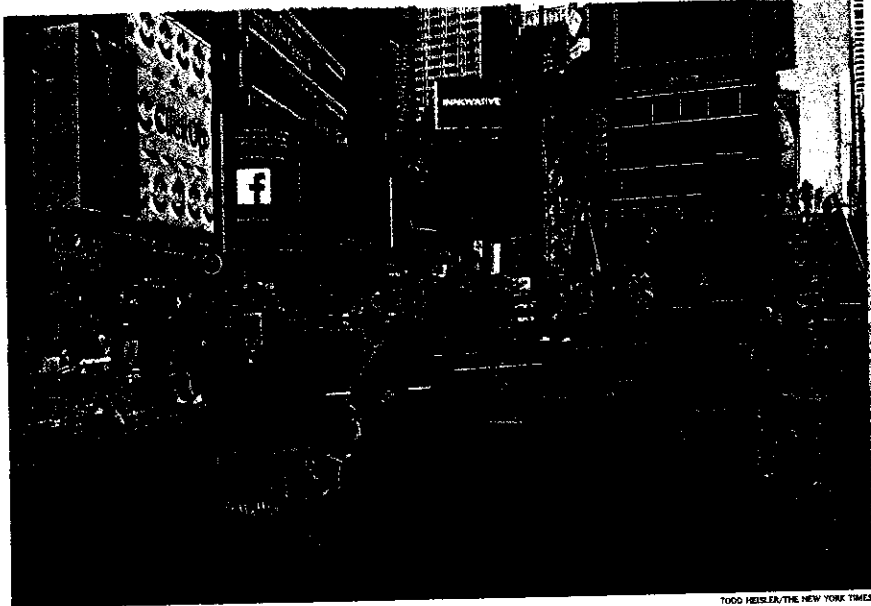
Property taxes represent the largest source of city revenue, and commercial property accounts for the largest share of that overall levy, 41 percent, according to Thomas P. DiNapoli, the state comptroller.

Commercial property sales have plummeted by nearly 50 percent through October, according to Rahul Jain, a deputy state comptroller.

A weakened commercial real estate market will make it "much harder for businesses and the economy to get back to normal," Mr. DiNapoli said.

The lack of workers is having a ripple effect on rents. Across Manhattan's retail corridors, asking commercial rents have dropped nearly 13 percent from last year, according to CBRE, a commercial real estate firm. The steepest declines are in areas dominated by office buildings, including Times Square and Grand Central Terminal, and shopping destinations like SoHo.

The industry's troubles, initially sparked by the exodus of office workers during the state's stay-at-home orders in the spring, have persisted as many commuters



Just 10 percent of Manhattan's one million office workers are reporting to the office. Rents in Times Square have declined steeply.

have settled into long-term or permanent remote-work arrangements. Tourists have also largely disappeared.

As a result, tensions are growing between the city's powerful landlords and some of their equally powerful tenants. Property owners have accused blue-chip companies of using the pandemic to withhold rent they can afford, while tenants have portrayed landlords as greedy and unwilling to acknowledge economic reality.

"It's not easy, but we need to make sacrifices, and landlords need to make sacrifices," said Lawrence Berger, chairman of Fanzlids Holdings, which owns Lids, an athletic headwear store whose flagship shop is in Times Square.

The shop has been sued over more than \$511,000 in unpaid rent and charges at four other Manhattan stores that were closed for months at a time.

"The amazing thing to us is that in New York, they're going after rent for times when we weren't allowed to be open," Mr. Berger said. "We have worked out deals with our landlords across the country except in New York City."

Landlords like Related, which owns the Shops at Columbus Circle and has sued five of its tenants

say, they have their own financial obligations and tenants that can afford rent should pay.

The litigation does not capture the behind-the-scenes, high-stakes negotiations that have led to resolutions without resorting to court, said William H. Mack, a commercial lawyer at the firm Davidoff Hatcher & Citron in New York.

Mr. Mack has been hired by Hugo Boss in its effort to reduce or void its lease at Columbus Circle. "This is 80 to 90 percent of what I've been doing since March and April," he said.

At the Real Estate Board of New York, whose members include nearly every major landlord and developer in New York, the prospect of systemic changes in work habits looms large.

"Anyone that thinks the way that people used the workplace in the past isn't going to change post-pandemic is fooling themselves," said Scott Rechler, chair of the Regional Plan Association and the chief executive of RXR Realty, which controls 26 million square feet of city office space.

Employers have discovered that productivity does not necessarily suffer in the absence of shared work space and that smaller office footprints and more lenient work-from-home policies

might make lasting economic sense.

As a result, the landlord group is proposing that the city and state allow developers to more easily convert Manhattan and borough offices into residences.

Roughly 140 million of Manhattan's 400 million square feet of office space is considered to be of average quality or is in older and less luxurious buildings, according to Cushman and Wakefield, a real estate brokerage. The real estate board puts the citywide supply of those buildings at roughly 210 million square feet.

The real estate group estimates that converting even just 10 percent of that office space to residential would create 14,000 apartments citywide, including as many as 10,000 in Manhattan — a significant amount in a city routinely short of enough housing, especially affordable homes.

Changes to zoning rules needed for any conversions would require that some portion of new housing be set aside as affordable, the board said.

Mark A. Willis, a senior policy fellow at New York University's Furman Center for Real Estate and Urban Policy, said that before the pandemic, job growth was outpacing housing growth in the city, causing demand to far outstrip

supply and exacerbating the city's persistent housing shortage.

"Facilitating the reuse of buildings to adapt to changes in the economy is, to me, a very smart idea," Mr. Willis said.

Some tenants are using the current downturn — and the resulting lower prices per square foot — to trade up for nicer office space, the board said. That is a boon for higher-end office landlords, but could bode ill for landlords of lower-rated buildings.

Converting office buildings to homes would not only provide a potential financial lifeline to landlords, but would also benefit retailers, the real estate board argues, because the presence of office users during the day and apartment dwellers at night would increase foot traffic.

There is no reason, they argue, for Midtown to retain its status as New York's last predominantly office district, bustling during the day but quieter at night.

They cite the success of Lower Manhattan, which in recent decades has turned from an almost exclusively office district into a vibrant residential neighborhood.

The proposal would require changes to zoning and density rules that would have to be approved by the City Council and the State Legislature and embraced

by the mayor and governor.

Gov. Andrew M. Cuomo's office would say only that he would review the idea.

A spokesman for Mayor Bill de Blasio, who is term-limited and about to begin his last year in office, welcomed the housing proposal.

"City Hall is always looking for sensible, equitable ways to deliver more housing," said the spokesman, Bill Neidhardt.

Still, converting office space to apartments is not easy. Landlords would still need to wait for buildings to empty, which can take years.

The landlord group says the city and state should help expedite conversions by lifting zoning restrictions that require manufacturing in areas like the garment district, changing density requirements that bar apartments and creating new tax breaks for landlords.

Whether city and state elected officials will green-light a measure that would help real estate developers when so many tenants are struggling is an open question.

Several candidates vying to succeed Mr. de Blasio have vowed to refuse campaign donations from real estate developers.

Nor is it clear how many landlords would actually take advantage of the proposed changes.

Jeff Gural, who controls a large portfolio of aging buildings in Manhattan, said he would rather remain in his current line of work.

"We don't have that much vacant space to begin with," Mr. Gural said. "And I believe there will be a demand for the kind of space that we have."

Another possible source for expanding housing would be to convert hotels, many of which have closed as the industry has been decimated by a plunge in tourism and business travel.

That idea is gaining traction among some developers and affordable housing advocates. One group that is trying to shape the 2021 mayoral debate, United for Housing, will argue in an upcoming report that the next mayor should prioritize converting hotels into permanent supportive and affordable housing.

As for the real estate board's proposal, some housing advocates say the pandemic is an opportunity to get creative about easing the city's housing crisis.

"We need a comprehensive plan for how to bring on new housing resources, and the idea of converting office buildings to residential I think has a lot of upside," said Brenda Rosen, the president and chief executive of E. Breckinridge Group, which describes itself as the state's largest provider of supportive housing.

## INCREASING ROBBERIES

## City Lifeline Comes Under Threat As Crime Sweeps Through Bodegas

By EDGAR SANDOVAL

It was shortly after 6 o'clock one night in late October when Hardik Parekh, the manager of a corner store in Queens, saw a man he recognized as a chronic shoplifter walk in. Not again, he thought.

Mr. Parekh shared a glance with a co-worker, Mohamediyar Tarwala, 26, who quickly moved to escort the man out the door. The mundane moment then took a terrifying turn. The man pulled out a firearm and fatally shot Mr. Tarwala, Mr. Parekh said.

"Later, after the pandemic, I don't know why, but we had people come in and threatening us," Mr. Parekh said, standing near the spot where his friend collapsed. "I never thought it would end up in

ple have been killed in or just outside the stores, according to the data.

The surge comes as a second wave of the virus hits the city and a steep rise in gun violence that plagued New Yorkers over the summer shows no signs of slowing down. Shootings have doubled this year over last, and murders are up nearly 40 percent.

Fernando Mateo, one of the founders of the United Bodegas of America, an organization that represents about 20,000 bodegas in New York, said the pandemic had provided cover for a small number of criminals to target neigh-

cameras captured the gruesome scene as the gang members stabbed him to death.

Since then, a handful of bodega owners have added safety measures, such as panic buttons, brighter lights and special locks. But Mr. Mateo said the majority of bodega operators cannot afford the added security, which can cost thousands of dollars.

Until recently, Mr. Parekh was one of them. He said he finally invested in a panic button and is adding bright lights at his store, Crossbay Express.

For months he said he looked the other way when he noticed people sneaking out of his shop without paying for items like ice cream, beer or canned goods, be-



Spinelli. "It can quickly escalate. Our advice is to call 911 instead."

On a chilly day in mid-November, the officers made their round in the 44th Precinct, where bodegas, some adorned with colorful street murals, could be seen on a most every street block. The first stop was at a Pioneer Supermarket, a larger than average corner store, where the owner, De Morel, 55, welcomed them with a smile.

Mr. Morel told the officers man he recognized as a regular customer had walked out of the store a recent day without paying for sausages. A store manager had not stopped the man, but I stead gave a surveillance video the police, he said.

"I don't let nothing slide," Mr. Morel said. "You steal at my store I want you arrested."

Rita Clark, a longtime customer said she relied on the store for necessities throughout the pandemic. "This young lady is he 24/7," Mr. Morel said, gesturing Ms. Clark with a giggle. "A customers are like my family."



December 14, 2020

Arlington Redevelopment Board  
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Arlington, MA 02476

To Whom it may concern:

My name is Demetrius Spaneas and I am the President of Land and Sea Real Estate, Inc. We are a boutique brokerage that specializes in commercial real estate leasing and investment in Greater Boston and Southern NH.

I have been asked by one of the large commercial property owners in Arlington, the Pasciuto family, to briefly give my thoughts on the state of office in the Boston suburbs, and office vs residential.

Commercial real estate, and office in particular, is going through major changes—and reevaluations—at this time. Office as we know has changed. This is due to the advancement of technology and the relationship between management and their workers. The ability to work remotely has become a major factor and incentive to attracting a strong, dynamic and tech-savvy workforce. The need for traditional office has diminished greatly over the last few years.

We have seen the impact that Coronavirus has had on traditional office space. The pandemic has exacerbated the above trend greatly. Offices are averaging less than 20% occupied, and we don't see this trend changing any time soon, even after the pandemic is but a memory. Companies, both large and small, have realized that they no longer need a physical presence. Work forces that have been remote these past months will, in all likelihood, stay remote. It is both cost

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efficient for the companies, and logistically easier for many workers. Many office buildings are now being repurposed, mainly for residential.

The great issue in Massachusetts is the housing crisis. After the housing crash in 2008, there were 40% less builders working nationally, which meant 40% less new housing. The issue in Massachusetts is much worse as the lack of buildable land combined with state regulations has cut the housing inventory down significantly. Before 2008, the average age of the first-time home buyer was 27; now, it is up into the mid-30's. This means that people can't afford housing—the prices have skyrocketed for lack of inventory—and people are renting longer, which is putting major strain on the apartment market. Add this to the fact that the pandemic has interrupted, if not downright cancelled, numerous apartment and housing developments, and the housing crisis escalates. Before the pandemic, there was a projected 2 million unit deficit of housing. I can only imagine what the numbers will look like this next year. The fact that Arlington has a housing waitlist of over 400 should give some indication.

In sum, I believe in my professional opinion that office space in an urban/suburban market such as Arlington would be a wasted (un-needed) opportunity and that residential units would help to alleviate the housing crisis and be of far better service to residents within the local economy.

Please feel free to contact me, at your convenience, for further commentary.

Sincerely yours,

Demetrius Spaneas

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